Attached hereto is a Petition presented under 37 C.F.R. §1.48(b) which, together with the above amendment to the inventorship, establishes that Bruce G. Kania is the sole inventor of the invention now claimed herein. Two copies are presented, one signed by the undersigned and one signed by the removed inventors. As Mr. Kania is now the sole inventor of the present application, Mr. Kania's prior patents (U.S. 5,603,122 and U.S. 5,830,237) do not constitute prior art under 35 U.S.C. §102(e) or (a) as the invention is not one to "another". Because neither of these two patents constitute prior art against the present application, all rejections which rely upon these patents should be withdrawn.

The only remaining prior art rejection is the anticipation rejection over Caspers.

One difference between Caspers and the present invention is that Caspers uses a simple polymeric material - urethane - to make his polymeric liner, whereas the present invention relies upon a *gel composition* having two components: block copolymer and mineral oil. In this regard, Applicant clarified Claim 22 in the March 23, 1999 Preliminary Amendment[1] so as to be in line with its original intent to require mineral oil. While it is believed that original Claim 22 required the presence of mineral oil, amended Claim 22 makes this more clear and, it is believed, clearly distinguishes the present claim from Caspers.

As noted above, Caspers relies upon a simple, uniform polymeric material (preferably urethane) to make "urethane liner 90." See generally col. 8 of the reference. Nowhere in Caspers is it suggested that a two-component gel composition comprising a block copolymer

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[1]It is not clear whether the Examiner has seen this Preliminary Amendment, which also added Claims 52-55. A copy is enclosed for the Examiner's convenience along with a copy of the date-stamped filing receipt.

and mineral oil be used, nor is such suggested as desirable or even possible. Indeed, the present invention gel differs significantly from a simple polyurethane polymer, both patentably and otherwise.

Perhaps more importantly, Caspers relates to a prosthetic liner in the shape of a sock having one open end and one closed end. See the Figures. On the other hand, the present invention is drawn to an open-ended annular sleeve having two open ends. See for example Figure 8 and page 7, lines 9ff and the paragraph bridging pages 17 and 18 of the specification. Caspers nowhere suggests such a sleeve and instead describes only a closed-end sock-like covering . Accordingly, the rejection over Caspers should be withdrawn.
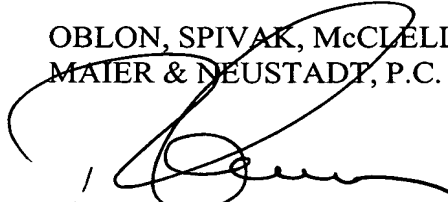
For this same reason the double patenting rejection over inventor Kania's earlier patents should also be withdrawn. Review of the claims of these patents shows that they are directed to an enclosure for an amputation stump having a closed end opposite the open end (see Claim 1 of U.S. 5,603,122) or to tube sock-shaped covering again having a closed end opposite the open end (see Claim 1 of U.S. 5,830,237). While the inventions described in these two earlier patents are distinct from that described in Caspers (note that Caspers was considered in both of Mr. Kania's prior patents) the presently pending claims are distinct from both those in Mr. Kania's prior two patents and Caspers. Because the invention described herein is patentably distinct from anything described in the prior art as well as anything claimed in Mr. Kania's prior two patents Applicants submit that the double patenting rejections should be reconsidered and withdrawn.

Accordingly, and in view of the above remarks, Applicants respectfully submit that

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the present application is in condition for allowance. Early notification to this effect is respectfully requested.

Respectfully submitted,

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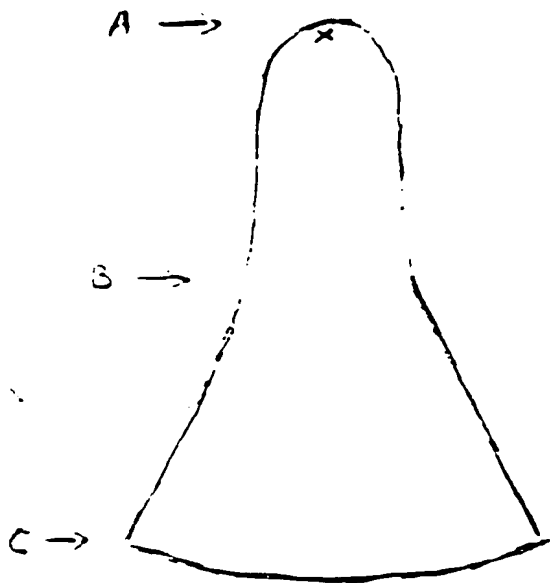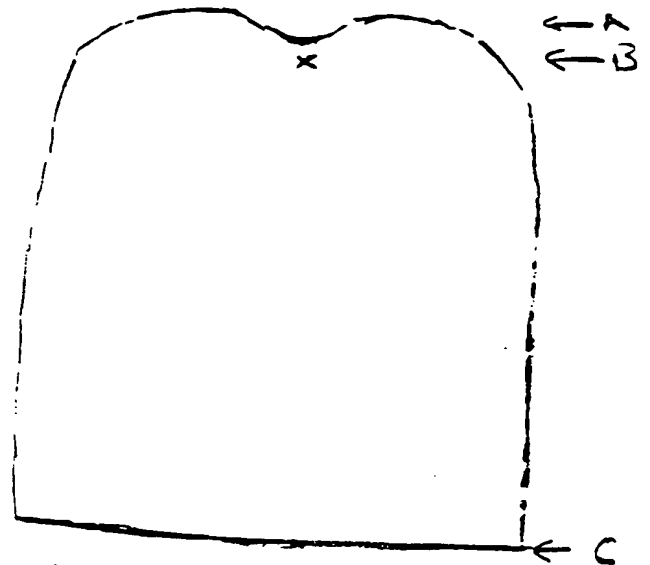RLT:mdm:dlc
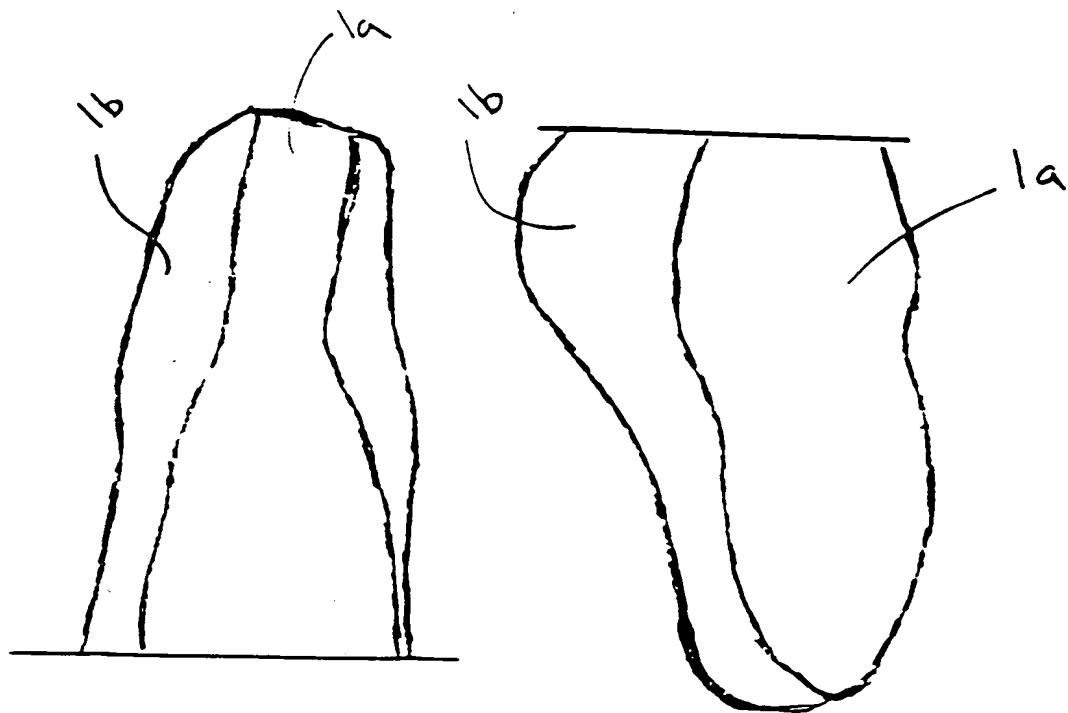I:\atty\RLT\32950025-AM.WPD
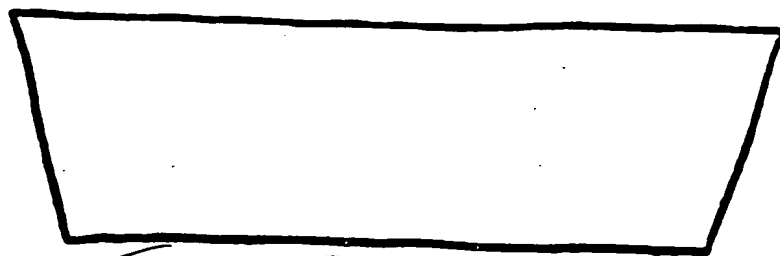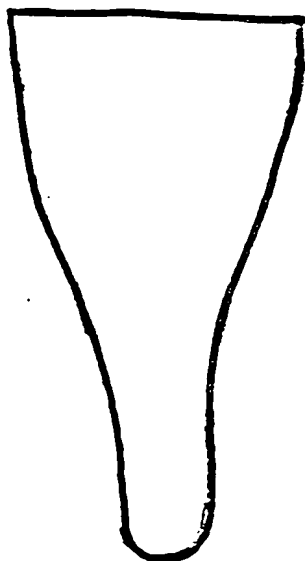
Figure 1a

Figure 1b

FIGURE 1

Figure 2A
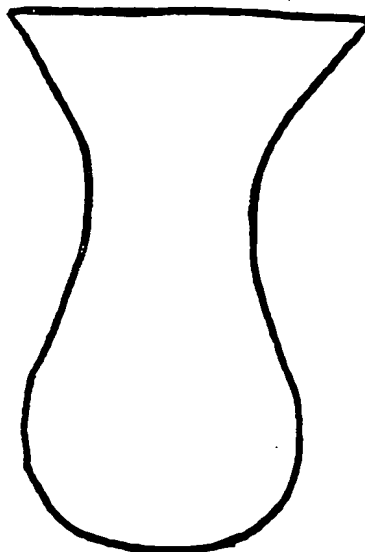
Figure 2B

FIGURE 2

Figure 3 a

Figure 3 b

Figure 3 c

FIGURE 3